

ASSEMBLY BILL

No. 491

Introduced by Assembly Member Garrick

February 24, 2009

An act to add Section 18305 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 491, as introduced, Garrick. Elections: campaign signs: vandalism.

Existing law prohibits the vandalism of prescribed polling place materials at an election. Violation of this prohibition is punishable as a misdemeanor.

This bill would prohibit a person from knowingly destroying, marking, tearing down, or otherwise defacing a sign supporting or opposing a candidate for elective office or a ballot measure or ballot measures without authorization from the owner of the sign. The bill would make violation of this prohibition an infraction punishable by a fine not to exceed \$1,000. The bill would require any moneys collected for a violation of this provision to be disbursed to the owner of the sign, in an amount not to exceed 50% of the fine and, when added to the amount of any prior fines paid during the calendar year to the owner pursuant to this provision, not to exceed the amount of any applicable campaign contribution limit for the year. The balance of the fine pursuant to this provision would be payable to the local public safety agency in the city or county in which the offense was committed.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18305 is added to the Elections Code, to
2 read:

3 18305. (a) A person who knowingly destroys, marks, tears
4 down, or otherwise defaces a sign supporting or opposing a
5 candidate for elective office or a ballot measure without
6 authorization from the owner of the sign is guilty of an infraction
7 punishable by a fine not to exceed one thousand dollars (\$1,000).

8 (b) Notwithstanding any other provision of law, any moneys
9 collected for a violation of subdivision (a) shall be disbursed as
10 follows:

11 (1) An amount payable to the owner of the sign, not to exceed
12 50 percent of the fine, and, when added to the amount of any prior
13 fines paid during the calendar year to the owner pursuant to this
14 section, not to exceed the amount of any applicable campaign
15 contribution limit for the calendar year.

16 (2) The balance of the fine shall be payable to the local public
17 safety agency in the city or county in which the offense was
18 committed.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.